

FORM PTO-1390  
(REV. 10-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

4518-0108PUS1

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/524520**

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.

PCT/AT03/00219

INTERNATIONAL FILING DATE

31 July 2003

PRIORITY DATE CLAIMED

12 August 2002

TITLE OF INVENTION

USE OF ANTIBODIES AGAINST TUMOR-ASSOCIATED ANTIGEN

APPLICANT(S) FOR DO/EO/US

LOIBNER, Hans; HIMMLER, Gottfried; SAMMONIGG, Hellmut; STERMETZ, Eugen;  
HAUER, Andreas; REDL, Gerda

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto (required only if not transmitted by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4)
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
  - a. ☐ is attached hereto.
  - b. ☒ has been submitted to the Internal Bureau (See Box VIII-4-1 of the Request (PCT/R0/101), **copy attached**).  
The Power of Attorney or Authorization of Agent and Certificate under 37 CFR 3.73(b) Showing Chain of Title are: ☐ attached hereto. ☒ will follow.
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98, Form PTO-1449(s), and International Search Report (PCT/ISA/210) with 0 cited document(s).
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☒ An Application Data Sheet
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:  
Four (4) Sheets of Formal Drawings  
Express Mail Certificate (Label No. EV 592977371US)

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <div style="font-size: 2em; font-weight: bold; margin-left: 100px;">10/524520</div>		INTERNATIONAL APPLICATION NO PCT/AT03/00219		ATTORNEY'S DOCKET NUMBER 4518-0108PUS1	
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21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO Basic National Stage Fee . . . . . \$300.00 National Stage Search Fee . . . . . \$500.00 National Stage Examination Fee . . . . . \$200.00 <div style="text-align: right; font-weight: bold;">\$1000.00</div>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO . . . . \$950.00  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO. . . . . \$790.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4). . . . . \$750.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4). . . . . \$100.00 <div style="text-align: right; font-weight: bold;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>	CALCULATIONS      PTO USE ONLY																									
	\$	950.00																								
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$																									
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;">SHEETS OF SPEC &amp; DWG</td> <td style="width:20%;">27 -100 = 0</td> <td style="width:20%;">0 x 250 =</td> <td style="width:15%;">\$0</td> <td style="width:10%; text-align: right;">\$</td> <td style="width:30%;"></td> </tr> <tr> <td>CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td>RATE</td> <td></td> <td></td> </tr> <tr> <td>Total Claims</td> <td>16 - 20 =</td> <td></td> <td>x \$50.00</td> <td style="text-align: right;">\$</td> <td></td> </tr> <tr> <td>Independent Claims</td> <td>2 - 3 =</td> <td></td> <td>x \$200.00</td> <td style="text-align: right;">\$</td> <td></td> </tr> </table>	SHEETS OF SPEC & DWG	27 -100 = 0	0 x 250 =	\$0	\$		CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			Total Claims	16 - 20 =		x \$50.00	\$		Independent Claims	2 - 3 =		x \$200.00	\$		\$	
SHEETS OF SPEC & DWG	27 -100 = 0	0 x 250 =	\$0	\$																						
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE																							
Total Claims	16 - 20 =		x \$50.00	\$																						
Independent Claims	2 - 3 =		x \$200.00	\$																						
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360.00	\$	360.00																						
TOTAL OF ABOVE CALCULATIONS =			\$	1310.00																						
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 C.F.R. § 1.27. The fees indicated above are reduced by 1/2.	\$	-655.00																								
SUBTOTAL =			\$	655.00																						
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 C.F.R. § 1.492(f)).		+	\$																							
TOTAL NATIONAL FEE =			\$	655.00																						
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		+	\$																							
TOTAL FEES ENCLOSED =			\$	655.00																						
			Amount to be:																							
			refunded	\$																						
			charged	\$																						

a. ☐ A check in the amount of \$0.00 to cover the above fees is enclosed.


b. ☒ Please charge my Deposit Account. No. 02-2448 in the amount of \$655.00 to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 02-2448.

**NOTE:** Where an appropriate time limit under 37 C.F.R. § 1.495 has not been met, a petition to revive (37 C.F.R. § 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

Send all correspondence to:  
**Birch, Stewart, Kolasch & Birch, LLP** or Customer No. 02292  
 P.O. Box 747  
 Falls Church, VA 22040-0747  
 (714) 708-8555

**Date:** February 11, 2005

  
 By Leonard R. Svensson, #30,330

/mt

10/524520

BT01 Rec'd PTE 11 FEB 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT COOPERATION TREATY

APPLICANT: LOIBNER, Hans et al.

INTERNATIONAL  
APPLN. NO.: PCT/AT03/00219

U.S. APPLN. NO.: NEW

FILING DATE: 11 February, 2005

TITLE: USE OF ANTIBODIES AGAINST TUMOR-ASSOCIATED  
ANTIGEN

DOCKET: 4518-0108PUS1

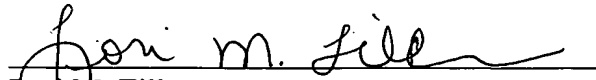
**EXPRESS MAIL CERTIFICATE**

**DATE DEPOSITED:** 11 February, 2005

I hereby certify that the enclosed Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. 371 and related documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to MAIL STOP PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-0145.

**Express Mail Label No. EV592977371US**

Date: 11 February, 2005

  
Lon M. Tillman

Mailing Address:

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